

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 24-1030.01 Chelsea Princell x4335

HOUSE BILL 24-1323

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Education

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SENATE
Amended 3rd Reading
April 12, 2024

A BILL FOR AN ACT

101 **CONCERNING THE MANNER OF DRESS DURING SCHOOL GRADUATION**
102 **CEREMONIES.**

SENATE
2nd Reading Unamended
April 11, 2024

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

HOUSE
3rd Reading Unamended
March 11, 2024

The bill allows a preschool, public school, or public college or university student to wear objects of cultural or religious significance as an adornment at a graduation ceremony.

The bill prohibits a preschool, public school, or public college or university from restricting what a student may wear under the student's required graduation attire.

HOUSE
Amended 2nd Reading
March 8, 2024

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

The bill allows a preschool, public school, or public college or university to prohibit a student from wearing or displaying an adornment that is likely to cause substantial disruption of, or material interference with, a graduation ceremony, but the prohibition must be the least restrictive means necessary to accomplish a specifically identified important government interest.

Prior to the start of the 2024-25 school year, the bill requires a preschool, public school, and public college or university to develop and adopt a policy that aligns with the requirements of the bill.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-1-142.5 as
3 follows:

4 **22-1-142.5. Wearing cultural or religious objects at public**
5 **school graduation ceremonies - definitions.** (1) AS USED IN THIS
6 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "ADORNMENT" MEANS SOMETHING ATTACHED TO, OR WORN
8 WITH, BUT NOT REPLACING OR COVERING IN ITS ENTIRETY, GRADUATION
9 ATTIRE, AND IS NOT LIMITED TO DECORATING GRADUATION CAPS.

10 (b) "CULTURAL" MEANS A RECOGNIZED PRACTICE OR TRADITION
11 OF A CERTAIN GROUP OF PEOPLE AND INCLUDES ONLY A PROTECTED CLASS
12 BASED ON DISABILITY, RACE, ETHNICITY, CREED, COLOR, SEX, SEXUAL
13 ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, FAMILY
14 COMPOSITION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY.
15 "CULTURAL" DOES NOT INCLUDE OBJECTS RELATED TO TRIBAL REGALIA AS
16 DEFINED IN SECTION 22-1-142, INCITEMENT, DEFAMATION, FRAUD,
17 OBSCENITY, CHILD PORNOGRAPHY, FIGHTING WORDS, AND THREATS.

18 (c) "GRADUATION ATTIRE" MEANS ATTIRE THAT A PUBLIC SCHOOL,
19 SCHOOL DISTRICT, CHARTER SCHOOL INSTITUTE, OR BOARD OF
20 COOPERATIVE SERVICES REQUIRES A STUDENT TO WEAR AS PART OF THE

1 DRESS CODE FOR A GRADUATION CEREMONY.

2 (d) "PUBLIC SCHOOL" MEANS A SCHOOL, INCLUDING A DISTRICT
3 CHARTER SCHOOL, OF A SCHOOL DISTRICT; A SCHOOL OPERATED BY A
4 BOARD OF COOPERATIVE SERVICES; AN INSTITUTE CHARTER SCHOOL; OR
5 THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND.

6 (e) "STUDENT" MEANS AN INDIVIDUAL PARTICIPATING IN THE
7 GRADUATION CEREMONY AS A GRADUATE.

8 (2) A STUDENT MAY WEAR RECOGNIZED OBJECTS OF CULTURAL OR
9 RELIGIOUS SIGNIFICANCE AS AN ADORNMENT DURING THE STUDENT'S
10 GRADUATION CEREMONY. AN ADORNMENT WORN BY A STUDENT MUST
11 COMPLY WITH THE PUBLIC SCHOOL'S, SCHOOL DISTRICT'S, CHARTER
12 SCHOOL INSTITUTE'S, OR BOARD OF COOPERATIVE SERVICES' DRESS CODE
13 POLICY, AS LONG AS THE DRESS CODE POLICY DOES NOT INFRINGE UPON A
14 STUDENT'S GENDER EXPRESSION, AS DEFINED IN SECTION 24-34-301,
15 GENDER IDENTITY, RELIGION, OR CULTURE.

16 (3) A PUBLIC SCHOOL, SCHOOL DISTRICT, CHARTER SCHOOL
17 INSTITUTE, OR BOARD OF COOPERATIVE SERVICES SHALL NOT IMPOSE
18 RESTRICTIONS ON WHAT A STUDENT MAY WEAR UNDER THE STUDENT'S
19 REQUIRED GRADUATION ATTIRE BEYOND WHAT IS REQUIRED BY A PUBLIC
20 SCHOOL'S, SCHOOL DISTRICT'S, CHARTER SCHOOL INSTITUTE'S, OR BOARD
21 OF COOPERATIVE SERVICES' DRESS CODE POLICY, AS LONG AS THE DRESS
22 CODE POLICY DOES NOT INFRINGE UPON A STUDENT'S GENDER EXPRESSION,
23 AS DEFINED IN SECTION 24-34-301, GENDER IDENTITY, RELIGION, OR
24 CULTURE.

25 (4) (a) THIS SECTION DOES NOT LIMIT A PUBLIC SCHOOL'S, SCHOOL
26 DISTRICT'S, CHARTER SCHOOL INSTITUTE'S, OR BOARD OF COOPERATIVE
27 SERVICES' ABILITY TO PROHIBIT AN ADORNMENT THAT IS LIKELY TO CAUSE

1 SUBSTANTIAL DISRUPTION OF, OR MATERIAL INTERFERENCE WITH, THE
2 GRADUATION CEREMONY.

3 (b) A PROHIBITION IMPOSED BY A PUBLIC SCHOOL, SCHOOL
4 DISTRICT, CHARTER SCHOOL INSTITUTE, OR BOARD OF COOPERATIVE
5 SERVICES PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION MUST BE:

6 (I) BASED ON EVIDENCE OF DISRUPTION RATHER THAN RELYING ON
7 AN UNDIFFERENTIATED FEAR OR APPREHENSION OF DISTURBANCE; AND

8 (II) BY THE LEAST RESTRICTIVE MEANS NECESSARY.

9 (5) ON OR BEFORE THE START OF THE 2024-25 SCHOOL YEAR, A
10 PUBLIC SCHOOL, SCHOOL DISTRICT, CHARTER SCHOOL INSTITUTE, OR
11 BOARD OF COOPERATIVE SERVICES SHALL DEVELOP AND ADOPT A POLICY
12 THAT ALIGNS WITH THE REQUIREMENTS OF THIS SECTION.

13 (6) THIS SECTION APPLIES TO ALL PUBLIC SCHOOL GRADUATIONS,
14 INCLUDING, BUT NOT LIMITED TO, KINDERGARTEN, ELEMENTARY SCHOOL,
15 MIDDLE SCHOOL, JUNIOR HIGH SCHOOL, AND HIGH SCHOOL GRADUATIONS.

16 (7) THIS SECTION DOES NOT LIMIT THE RIGHTS OF CERTAIN
17 INDIVIDUALS TO WEAR TRIBAL REGALIA TO A PUBLIC SCHOOL
18 GRADUATION, AS DESCRIBED IN SECTION 22-1-142.

19 **SECTION 2.** In Colorado Revised Statutes, 22-2-117, **amend**
20 (1)(b)(IX) and (1)(b)(X); and **add** (1)(b)(XI) as follows:

21 **22-2-117. Additional power - state board - waiver of**
22 **requirements - rules.** (1) (b) The state board shall not waive any of the
23 requirements specified in any of the following statutory provisions:

24 (IX) Any provisions of section 22-1-128 relating to
25 comprehensive human sexuality education content requirements; ~~or~~

26 (X) Any provision of section 22-30.5-104 (3), 22-30.5-507 (3),
27 22-32-109 (1)(ll), 22-32-110 (1)(k), 22-38-104 (1)(d), or 22-63-206 (1)

1 relating to discrimination based on hair texture, hair type, or a protective
2 hairstyle that is commonly or historically associated with race; OR

3 (XI) THE WEARING OF CULTURAL OR RELIGIOUS OBJECTS AT
4 SCHOOL GRADUATION CEREMONIES PURSUANT TO SECTION 22-1-142.5.

5 **SECTION 3.** In Colorado Revised Statutes, 22-30.5-104, **amend**
6 (6)(c)(VIII) and (6)(c)(IX); and **add** (6)(c)(X) as follows:

7 **22-30.5-104. Charter school - requirements - authority - rules**
8 **- definitions.** (6) (c) A school district, on behalf of a charter school, may
9 apply to the state board for a waiver of a state statute or state rule that is
10 not an automatic waiver. Notwithstanding any provision of this
11 subsection (6) to the contrary, the state board may not waive any statute
12 or rule relating to:

13 (VIII) Section 22-33-106.1 concerning suspension and expulsion
14 of students in preschool through second grade; ~~or~~

15 (IX) Subsection (3) of this section and sections 22-32-110 (1)(k)
16 and 22-63-206 (1) relating to discrimination based on hair texture, hair
17 type, or a protective hairstyle that is commonly or historically associated
18 with race; OR

19 (X) THE WEARING OF CULTURAL OR RELIGIOUS OBJECTS AT
20 SCHOOL GRADUATION CEREMONIES PURSUANT TO SECTION 22-1-142.5.

21 **SECTION 4.** In Colorado Revised Statutes, 22-30.5-507, **amend**
22 (7)(b)(VIII) and (7)(b)(IX); and **add** (7)(b)(X) as follows:

23 **22-30.5-507. Institute charter school - requirements -**
24 **authority - rules - definitions.** (7) (b) An institute charter school may
25 apply to the state board, through the institute, for a waiver of state statutes
26 and state rules that are not automatic waivers. The state board may waive
27 state statutory requirements or rules promulgated by the state board;

1 except that the state board may not waive any statute or rule relating to:

2 (VIII) Section 22-33-106.1 concerning suspension and expulsion
3 of students in preschool through second grade; ~~or~~

4 (IX) Subsection (3) of this section and sections 22-32-110 (1)(k)
5 and 22-63-206 (1) relating to discrimination based on hair texture, hair
6 type, or a protective hairstyle that is commonly or historically associated
7 with race; OR

8 (X) THE WEARING OF CULTURAL OR RELIGIOUS OBJECTS AT
9 SCHOOL GRADUATION CEREMONIES PURSUANT TO SECTION 22-1-142.5.

10 **SECTION 5.** In Colorado Revised Statutes, **add 23-1-137.7** as
11 follows:

12 **23-1-137.7. Wearing cultural or religious objects at college**
13 **graduation ceremonies - definitions.** (1) AS USED IN THIS SECTION,
14 UNLESS THE CONTEXT OTHERWISE REQUIRES:

15 (a) "ADORNMENT" MEANS SOMETHING ATTACHED TO, OR WORN
16 WITH, BUT NOT REPLACING OR COVERING IN ITS ENTIRETY, GRADUATION
17 ATTIRE, AND IS NOT LIMITED TO DECORATING GRADUATION CAPS.

18 (b) "CULTURAL" MEANS A RECOGNIZED PRACTICE OR TRADITION
19 OF A CERTAIN GROUP OF PEOPLE AND INCLUDES ONLY A PROTECTED CLASS
20 BASED ON DISABILITY, RACE, ETHNICITY, CREED, COLOR, SEX, SEXUAL
21 ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, FAMILY
22 COMPOSITION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY.
23 "CULTURAL" DOES NOT INCLUDE OBJECTS RELATED TO TRIBAL REGALIA AS
24 DEFINED IN SECTION 23-1-137.5, INCITEMENT, DEFAMATION, FRAUD,
25 OBSCENITY, CHILD PORNOGRAPHY, FIGHTING WORDS, AND THREATS.

26 (c) "GRADUATION ATTIRE" MEANS ATTIRE THAT A PUBLIC
27 INSTITUTION OF HIGHER EDUCATION REQUIRES A STUDENT TO WEAR AS

1 PART OF THE DRESS CODE FOR A GRADUATION CEREMONY.

2 (d) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS A PUBLIC
3 COLLEGE, UNIVERSITY, COMMUNITY COLLEGE, AREA TECHNICAL COLLEGE,
4 EDUCATIONAL CENTER, LOCAL DISTRICT COLLEGE, OR JUNIOR COLLEGE
5 THAT IS SUPPORTED IN WHOLE OR IN PART BY GENERAL FUND MONEY.

6 (e) "STUDENT" MEANS AN INDIVIDUAL PARTICIPATING IN THE
7 GRADUATION CEREMONY AS A GRADUATE.

8 (2) A STUDENT MAY WEAR RECOGNIZED OBJECTS OF CULTURAL OR
9 RELIGIOUS SIGNIFICANCE AS AN ADORNMENT DURING THE STUDENT'S
10 GRADUATION CEREMONY. IF A PUBLIC INSTITUTION OF HIGHER EDUCATION
11 HAS A DRESS CODE POLICY, AN ADORNMENT WORN BY A STUDENT MUST
12 COMPLY WITH THE PUBLIC INSTITUTION OF HIGHER EDUCATION'S DRESS
13 CODE POLICY, AS LONG AS THE DRESS CODE POLICY DOES NOT INFRINGE
14 UPON A STUDENT'S GENDER EXPRESSION, AS DEFINED IN SECTION
15 24-34-301, GENDER IDENTITY, RELIGION, OR CULTURE.

16 (3) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL NOT
17 IMPOSE RESTRICTIONS ON WHAT A STUDENT MAY WEAR UNDER THE
18 STUDENT'S REQUIRED GRADUATION ATTIRE BEYOND WHAT IS REQUIRED BY
19 A PUBLIC INSTITUTION OF HIGHER EDUCATION'S DRESS CODE POLICY, AS
20 LONG AS THE DRESS CODE POLICY DOES NOT INFRINGE UPON A STUDENT'S
21 GENDER EXPRESSION, AS DEFINED IN SECTION 24-34-301, GENDER
22 IDENTITY, RELIGION, OR CULTURE.

23 (4) (a) THIS SECTION DOES NOT LIMIT A PUBLIC INSTITUTION OF
24 HIGHER EDUCATION'S ABILITY TO PROHIBIT AN ADORNMENT THAT IS
25 LIKELY TO CAUSE A SUBSTANTIAL DISRUPTION OF, OR MATERIAL
26 INTERFERENCE WITH, THE GRADUATION CEREMONY.

27 (b) A PROHIBITION IMPOSED BY A PUBLIC INSTITUTION OF HIGHER

1 EDUCATION PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION MUST BE:

2 (I) BASED ON EVIDENCE OF DISRUPTION RATHER THAN RELYING ON
3 AN UNDIFFERENTIATED FEAR OR APPREHENSION OF DISTURBANCE; AND

4 (II) BY THE LEAST RESTRICTIVE MEANS NECESSARY.

5 (5) ON OR BEFORE THE START OF THE 2024-25 SCHOOL YEAR, A
6 PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL DEVELOP AND ADOPT
7 A POLICY THAT ALIGNS WITH THE REQUIREMENTS OF THIS SECTION.

8 (6) THIS SECTION APPLIES TO ALL PUBLIC INSTITUTIONS OF HIGHER
9 EDUCATION GRADUATIONS.

10 (7) THIS SECTION DOES NOT LIMIT THE RIGHTS OF CERTAIN
11 INDIVIDUALS TO WEAR TRIBAL REGALIA TO A PUBLIC INSTITUTION OF
12 HIGHER EDUCATION'S GRADUATION, AS DESCRIBED IN SECTION 23-1-137.5.

13 **SECTION 6.** In Colorado Revised Statutes, **add** 26.5-1-115 as
14 follows:

15 **26.5-1-115. Wearing cultural or religious objects at preschool**
16 **graduation ceremonies - definitions.** (1) AS USED IN THIS SECTION,
17 UNLESS THE CONTEXT OTHERWISE REQUIRES:

18 (a) "ADORNMENT" MEANS SOMETHING ATTACHED TO, OR WORN
19 WITH, BUT NOT REPLACING OR COVERING IN ITS ENTIRETY, GRADUATION
20 ATTIRE, AND IS NOT LIMITED TO DECORATING GRADUATION CAPS.

21 (b) "CULTURAL" MEANS A RECOGNIZED PRACTICE OR TRADITION
22 OF A CERTAIN GROUP OF PEOPLE AND INCLUDES ONLY A PROTECTED CLASS
23 BASED ON DISABILITY, RACE, CREED, ETHNICITY, COLOR, SEX, SEXUAL
24 ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, FAMILY
25 COMPOSITION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY.
26 "CULTURAL" DOES NOT INCLUDE OBJECTS RELATED TO TRIBAL REGALIA AS
27 DEFINED IN SECTION 26.5-1-114, INCITEMENT, DEFAMATION, FRAUD,

1 OBSCENITY, CHILD PORNOGRAPHY, FIGHTING WORDS, AND THREATS.

2 (c) "GRADUATION ATTIRE" MEANS ATTIRE THAT A PRESCHOOL
3 REQUIRES A STUDENT TO WEAR AS PART OF THE DRESS CODE FOR A
4 GRADUATION CEREMONY.

5 (d) "STUDENT" MEANS AN INDIVIDUAL PARTICIPATING IN THE
6 GRADUATION CEREMONY AS A GRADUATE.

7 (2) A STUDENT MAY WEAR RECOGNIZED OBJECTS OF CULTURAL OR
8 RELIGIOUS SIGNIFICANCE AS AN ADORNMENT DURING THE STUDENT'S
9 GRADUATION CEREMONY. AN ADORNMENT WORN BY A STUDENT MUST
10 COMPLY WITH THE PRESCHOOL'S DRESS CODE POLICY, AS LONG AS THE
11 DRESS CODE POLICY DOES NOT INFRINGE UPON A STUDENT'S GENDER
12 EXPRESSION, AS DEFINED IN SECTION 24-34-301, GENDER IDENTITY,
13 RELIGION, OR CULTURE.

14 (3) A PRESCHOOL SHALL NOT IMPOSE RESTRICTIONS ON WHAT A
15 STUDENT MAY WEAR UNDER THE STUDENT'S REQUIRED GRADUATION
16 ATTIRE BEYOND WHAT IS REQUIRED BY A PRESCHOOL'S DRESS CODE
17 POLICY, AS LONG AS THE DRESS CODE POLICY DOES NOT INFRINGE UPON A
18 STUDENT'S GENDER EXPRESSION, AS DEFINED IN SECTION 24-34-301,
19 GENDER IDENTITY, RELIGION, OR CULTURE.

20 (4) (a) THIS SECTION DOES NOT LIMIT A PRESCHOOL'S ABILITY TO
21 PROHIBIT AN ADORNMENT THAT IS LIKELY TO CAUSE A SUBSTANTIAL
22 DISRUPTION OF, OR MATERIAL INTERFERENCE WITH, THE GRADUATION
23 CEREMONY.

24 (b) A PROHIBITION IMPOSED BY A PRESCHOOL PURSUANT TO
25 SUBSECTION (4)(a) OF THIS SECTION MUST BE:

26 (I) BASED ON EVIDENCE OF DISRUPTION RATHER THAN RELYING ON
27 AN UNDIFFERENTIATED FEAR OR APPREHENSION OF DISTURBANCE; AND

1 (II) BY THE LEAST RESTRICTIVE MEANS NECESSARY.

2 (5) ON OR BEFORE AUGUST 1, 2024, A PUBLIC PRESCHOOL
3 PROVIDER AS DEFINED IN SECTION 26.5-5-303 SHALL DEVELOP AND ADOPT
4 A POLICY THAT ALIGNS WITH THE REQUIREMENTS OF THIS SECTION.

5 (6) THIS SECTION APPLIES TO A GRADUATION HELD BY A PUBLIC
6 PRESCHOOL PROVIDER AS DEFINED IN SECTION 26.5-5-303.

7 (7) THIS SECTION DOES NOT LIMIT THE RIGHTS OF CERTAIN
8 INDIVIDUALS TO WEAR TRIBAL REGALIA TO A PUBLIC PRESCHOOL
9 GRADUATION, AS DESCRIBED IN SECTION 26.5-1-114.

10 **SECTION 7. Safety clause.** The general assembly finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety or for appropriations for
13 the support and maintenance of the departments of the state and state
14 institutions.